



United States
Department of
Agriculture

Forest
Service

Pacific
Northwest
Region

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File Code: 1570

Date: August 31, 2011

Ms. Kathleen Meagher
561 C Street
Ashland, OR 97520

**CERTIFIED MAIL – RETURN
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Dear Ms. Meagher:

This constitutes my decision, pursuant to 36 CFR 215.18(b)(1), on your appeal (#11-06-00-50-215) of Rogue River-Siskiyou Forest Supervisor Scott Conroy's Supplemental Record of Decision for the Mt. Ashland Ski Area Project Final Supplemental Environmental Impact Statement.

Background

On April 22, 2011, Scott Conroy, signed a Supplemental Record of Decision (SROD) for the Mt. Ashland Ski Area (MASA) Project Final Supplemental Environmental Impact Statement (FSEIS). The preparation of the FSEIS and SROD stemmed from the February 2007 ruling by the Ninth Circuit Court of Appeals that found the Forest Service failed to properly evaluate the impact of the proposed MASA expansion on the Pacific fisher, in violation of both the National Environmental Policy Act (NEPA) and the National Forest Management Act (NFMA) and that it violated the NFMA by failing to appropriately designate riparian reserves and restricted watershed terrain and follow applicable standards and guidelines. The SROD affirms the 2004 decision, which includes:

- Clearing and construction of 71 acres of associated new ski run terrain primarily within the western half of the special use permit (SUP) area;
- Construction of two chairlifts, two surface lifts, and widening of existing runs; construction of a 4-acre tubing facility in the southern portion of the SUP area; construction of three guest services buildings and a yurt; additional night lighting; additional maintenance access road segments; and an increase in 220 parking spaces;
- Clearing approximately 4 acres for lift corridors, helispot, and staging areas;
- Watershed restoration projects including structural storm water control and non-structural controls, such as the placement of large and small woody material.

Pursuant to 36 CFR 215.17, an attempt was made to seek informal resolution of the appeals. The record indicates that informal resolution was not reached.

My review of this appeal has been conducted in accordance with 36 CFR 215.18, *Formal review and disposition procedures*. I have reviewed the appeal record, including the recommendations of the Appeal Reviewing Officer. A copy of her recommendation is enclosed. The Appeal Reviewing Officer focused her review on the appeal record and the issues that were raised in your appeal.



Appeal Decision

After a detailed review of the record and the Appeal Reviewing Officer's recommendation, I affirm the Responsible Official's decision on the Mt. Ashland Ski Area Project.

This decision constitutes the final administrative determination of the Department of Agriculture [36 CFR 215.18(c)]. A copy of this letter will be posted on the national appeals web page at <http://www.fs.fed.us/appeals>.

Sincerely,

/s/ Nora B. Rasure (for):

KENT P. CONNAUGHTON
Regional Forester

Enclosure

cc: Debbie Anderson
Maurice L Moss
David J Krantz
Steven R Johnson



File Code: 1570

Date: August 31, 2011

Route To:

Subject: Appeal Recommendation, Mt. Ashland Ski Area Expansion

To: Regional Forester

This memorandum documents my recommendations regarding the disposition of the appeals on the Mt. Ashland Ski Area Expansion Supplemental Record of Decision (SROD). I have enclosed a summary of the appellant's issues, along with a description of my findings.

Background

On April 22, 2011, Scott Conroy, Forest Supervisor for the Rogue River-Siskiyou National Forest signed a SROD for the Mt. Ashland Ski Area Expansion Final Supplemental Environmental Impact Statement (FSEIS). This 2011 SROD affirms the 2004 ROD, which included:

- The construction of two chairlifts, two surface lifts, and approximately 71 acres of associated new ski run terrain primarily within the western half of the special use permit (SUP) area, including widening of existing runs;
- Approximately 4 acres of clearing for lift corridors, helispot, and staging areas;
- A 4-acre tubing facility in the southern portion of the SUP area; three guest services buildings and a yurt; additional night lighting; additional maintenance access road segments; additional power, water lines, water storage tank, and sewer lines; an additional snow fence; and an increase in parking by 220 spaces;
- Watershed restoration projects including structural storm water control and non-structural controls, such as the placement of large and small woody material;
- Use of a stream crossing which will use log footings;
- Use of a lightweight, low ground pressure machine (e.g., a "spider") for run clearing (and other excavation work associated with clearing for lifts; lift towers and creek crossings, except where accessible by road);
- Low impact glading (partial clearing by selective tree removal);
- Required mitigation measures as outlined in Attachment B and monitoring elements outlined in Attachment C of the 2004 ROD.

Twenty-six appeals were filed by the following individuals and organizations: Center for Biological Diversity, Eileen Chieco, Kathleen Meagher, Barbara Keen, Eric Navickas, Frances Dunham, Allan Peterson, Rivers Brown, Carol Hwoschinsky, B.G. Hicks, Grace Neff, Paul Hwoschinsky, Miriam Reed, Gayla Barrows, Genevieve MacKinnon, Connie Lynn, Nina Council, Patti Sanders, Terrence Stenson, Allan Weisbard, Oregon Wild, Rogue Group Sierra Club, Cherie Reeves, Lisa Wale, Judy Newton and Judith McClure.

Most of the appellants requested that the decision be withdrawn and reconsidered, that the community alternative be given additional consideration, and that the restoration projects be implemented. Pursuant to 36 CFR 215.17, an attempt was made to seek informal resolution of the appeals. The record indicates that informal resolution was not reached.



Review and Findings

My review was conducted in accordance with 36 CFR 215.19 to ensure that the analysis and decision are in compliance with applicable laws, regulations, policies, and orders. The appeal record, including the appellant's issues and requests for relief has been thoroughly reviewed. Having reviewed the SROD, FSEIS, and the project record, as required by 36 CFR 215.19(b), I conclude the following:

1. The decision clearly affirms the actions to be taken that were set forth in the 2004 ROD. The 2011 SROD provides sufficient detail that the reader can easily understand what will occur as a result of the decision.
2. Affirming the modified alternative selected in the 2004 ROD will accomplish the purpose and need established in the 2004 FEIS. The purpose and need stated in the FEIS reflects consistency with direction in the Rogue River National Forest Land and Resource Management Plan (LRMP), as amended.
3. The decision is consistent with policy, direction, and supporting evidence and it complies with the requirements set forth by the Ninth Circuit Court of Appeals. The record contains documentation regarding resource conditions and the Responsible Official's decision document is based on the record in its entirety and reflects a reasonable conclusion based on the information that was prepared in both the 2004 FEIS and in the 2011 FSEIS.
4. The record reflects that the Responsible Official provided adequate opportunity for public participation during the analysis and decision making process, both in 2004 and in 2010 and 2011. The Responsible Official's efforts allowed interested publics the opportunity to comment and be involved in the site-specific proposal.

After considering the claims made by the appellants and reviewing the record, I found that the Responsible Official conducted a proper and public NEPA process that resulted in a decision that is consistent with the Rogue River National Forest LRMP, as amended. I found no violations of law, regulations, or Forest Service policy.

Recommendation

After reviewing the appeal record, I recommend affirming the decision. I believe that the project documentation adequately supports the Forest Supervisor's decision with regards to all appeal points raised by the appellant and that the requested relief should be denied. Enclosed with this memo are my responses to each appeal issue.



MEG MITCHELL
Willamette Forest Supervisor

Enclosure

cc: Debbie Anderson, Maurice L Moss